

**OFFICE OF THE CITY COUNCIL**

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**CITY COUNCIL LUNCH AND LEARN TRAINING MINUTES –**

**FAIR HOUSING AND AMERICANS WITH DISABILITIES ACT**

**Lynwood Roberts Room, 1st floor, City Hall**

**117 W. Duval Street**

**March 12, 2018**

**11:00 a.m.**

**Location:** Lynwood Roberts Room, 1st floor, City Hall – St. James Building; 117 West Duval Street

**In attendance:** Council Members John Crescimbeni, Bill Gulliford

**Also**: Cheryl Brown – Council Secretary/Director; Jeff Clements – Council Research Division; Sharon Davidson – Employee Services Department; Louie Marino – Council Staff Services; Jason Teal – Office of General Counsel

See attached sign-in sheets for additional attendees.

**Meeting Convened**: 11:03 a.m.

City Council Director Cheryl Brown called the meeting to order and quoted from the Consent Decree with regard to City officials and employees required to take the training and certify their receipt and understanding of the decree. In addition to the three Lunch and Learns, the training can also be accessed on an individual basis via a web site (BritTeam.com). Attendees will sign a certification at the conclusion of the presentation that will be provided to the U.S. Department of Justice to verify attendance and completion of the mandated training.

A training video was shown which began with an outline of the history of the lawsuit filed by Ability Housing, Inc., Disability Rights of Florida, Inc. and the U.S. Department of Justice against the City with regard to the application of a zoning overlay in the Springfield area to a proposed “permanent supportive housing” development for persons with disabilities and a subsequent written interpretation by the Planning and Development Department about how “permanent supportive housing” should be defined and applied. A negotiated settlement of the lawsuit included requirements for the City to amend its Zoning Code and policies to make reasonable accommodations for housing for persons with disabilities, including interpretations and enforcement activities. The consent decree has a term of 5 years and the City’s legal obligations under the Fair Housing Act and ADA continue thereafter.

After Mr. Teal’s introduction, representatives of Housing Opportunities Project for Excellence (HOPE) from Miami, Florida explained the provisions of the Fair Housing Act and the Americans with Disabilities Act. The laws were intended to be broadly interpreted to provide the greatest degree of protection and access to citizens to housing options of their choice. The 7 categories of federally protected classes of persons were reviewed. Jacksonville’s local ordinances also include marital status and sexual orientation (including gender identity) as additional protected classes. The presenter covered the various types of recognized disabilities and the exceptions thereto. Protections and interpretations are subject to case-by-case analysis and adjudication because circumstances vary so widely. Segregation of persons with disabilities from persons without disabilities is not permitted. Violations of the acts can be either intentional or unintentional, and include failure to provide reasonable accommodations in a reasonable time.

A HOPE presenter specifically addressed discrimination in areas of land use and fair housing, including requirements for public hearings for some types of housing but not for others, space requirements, special study requirements, special use permits, making decisions based on public testimony that espouses discriminatory principles, discriminatory enforcement of code violations, etc. Disproportionate impact of regulations and policies on protected classes is discriminatory even if the policies were not enacted with that explicit intent. Violations can include certain prohibited types of advertisements and retaliation against persons for making complaints or attempting to invoke their legal rights. Physical modifications to dwellings to accommodate persons with disabilities must be permitted, but who pays for the modifications and whether they must be removed or restored when a person with disabilities moves out of the dwelling are determined on a case-by-case basis. Reasonable accommodation requests may not be required to be made in writing and may not be required to be made by the resident themselves (they could be made by a relative or friend on the disabled person’s behalf). The presenter urged decision makers to think through their decisions and examine actual impacts.

Another HOPE presenter reviewed the Americans with Disabilities Act provisions and their relation to fair housing issues. The act is wide-ranging and comprehensive in its intent to eliminate discrimination against persons with disabilities in many areas of society. Title 1 deals with employment; Title 2 deals with programs, services and activities of state and local governments; Title 3 deals with public accommodations in privately operated facilities; Title 4 deals with telecommunications services and federally-funded public service announcements; and Title 5 has miscellaneous provisions regarding relation of the ADA to other areas.

The presenter focused on Title 2 and its impact on state and local governments, defining “public entities” and various means of complying with the requirements of the act. He strongly encouraged governments to perform ongoing self-evaluations of their facilities, services, policies and practices to ensure that the ADA is being complied with over time as circumstances change. Varieties of “reasonable accommodation” were reviewed, including the regulations with regard to service animals as a form of accommodation. For purposes of the Fair Housing Act, assistance animals meeting the specific disability situation of the person must be allowed; the ADA only mandates that service dogs and small horses be allowed as a form a reasonable accommodation.

On the training video, Jason Teal of the General Counsel’s Office reviewed the City’s policy on reasonable accommodation requests. They may be made either in writing or orally (subsequently reduced to writing by City staff); may be made when strict compliance with the City code denies a person equal access to the use or enjoyment of some resource that others enjoy; information about the nature and extent of a disability may be requested for the purpose of making reasonable accommodation; there must be a rational nexus between the nature of the disability and the nature of the requested accommodation; the request may be decided by a formal or informal hearing; notice of an accommodation request for something related to a property must be posted by the applicant by means of signage on the property giving notice of the time and place of a hearing on the request; the City must consider other reasonable accommodations to meet the requestor’s needs if the original request is determined to be unreasonable or infeasible. Charlene Taylor-Hill of the Jacksonville Human Rights Commission and Kevin McDaniel, the City’s ADA coordinator, introduced themselves, gave brief overviews of their areas of responsibility, and offered their services to answer questions and provide advice at any time.

After the conclusion of the training video session, Ms. Brown introduced Jason Teal in person for questions and answers.

**Meeting adjourned:** 1:37 p.m.

Minutes: Jeff Clements, Council Research Division

3.12.18 Posted 5:15 p.m.

Tapes: City Council Lunch and Learn – Fair Housing and ADA – LSD

3.12.18